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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,329	10/01/2003	Thomas A. Skupien	065095.0187	6475
25920	7590	11/29/2005		
MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085			EXAMINER VU, JIMMY T	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/676,329

Applicant(s)

SKUPIEN ET AL.

Examiner

Jimmy T. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 34-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 17 and 40 is/are rejected.
- 7) ☒ Claim(s) 2-16 and 18-33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Election/Restriction*

Claims 34-39 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected claims, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 09/12/2005.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 17 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Christensen (U.S. Patent number 4,168,452).

Regarding claim 1, Christensen discloses a cathode ray tube (Figs. 1-14) comprising:

a vacuum envelope (Figs. 1-14);

an electron gun (10) including a cathode (32, 34, 36), the electron gun having an axis and comprising first, second, and third beam-forming electrodes (38, 40, 42), the electrodes having a selected thickness and being disposed perpendicular to the axis and having selected spacings therebetween, each of the beam-forming electrodes

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having a plurality of aperture clusters (68, 74, 92) therein, the aperture clusters having a plurality of apertures within an encompassing shape (Figs. 1-14);

a main lens (44), the main lens having a range of adjustable focal lengths; and  
a display screen (not shown, col. 4, lines 25-30), the display screen being disposed at a distance from the main lens within the range of the adjustable focal lengths so as to focus electrons passing through the plurality of aperture clusters onto the display screen (Figs. 1-14, col. 4, lines 25-65, col. 5, lines 1-28, col. 6, lines 1-67).

Regarding claim 17, Christensen discloses an electron gun (10), the electron gun having an axis, comprising:

a cathode or cathode support (37), a support bracket and an alignment rod (Figs. 1-5);

first, second, and third beam-forming electrodes (38, 40, 42), the electrodes having a selected thickness and being disposed perpendicular to the axis and having selected spacings therebetween, each of the beam-forming electrodes having a plurality of aperture clusters (68, 74, 92) therein, the aperture clusters having a plurality of apertures within an encompassing shape; and

a main lens (44), the main lens having a range of adjustable focal lengths (Figs. 1-14, col. 4, lines 25-65, col. 5, lines 1-28, col. 6, lines 1-67).

Regarding claim 40, the method steps are necessitated as it is disclosed by the structure of Christensen.

***Allowable Subject Matter***

3. Claims 2-16 and 18-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the prior art teaches the cathode ray tube further comprising a layer of insulating material between the beam-forming electrodes, wherein the insulating material is a crystalline material or a ceramic material, and wherein the ceramic material is a melted glass frit.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Vu whose telephone number is (571) 272-1832. The examiner can normally be reached on M - F: 9 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 272-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2800.

  
**TUYET VO**  
**PRIMARY EXAMINER**

Jimmy Vu

November 22, 2005